

IN THE UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF MARYLAND

IN RE MUTUAL FUNDS INVESTMENT LITIGATION	:	MDL DOCKET NO. 1586
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IN RE ALGER, COLUMBIA, JANUS, MFS, ONE GROUP, PUTNAM, PIMCO	:	Civil No. 04-md-15863 (JFM)
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This Document Relates to: Allianz Dresdner Sub-track	:	
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McBride v. Allianz Dresdner Asset Management of America L.P., et al.	:	04-1924 (D.Md.)
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## [ALTERNATIVE PROPOSED] FUND DERIVATIVE ORDER

For the reasons stated in the memorandum of opinion filed November 3, 2005, it is this \_\_\_\_\_ day of \_\_\_\_\_ 2006 ORDERED

1. Defendants' motion to dismiss is granted in part and denied in part;
2. The motion is denied as to the claim asserted under Section 36(b) of the Investment Company Act ("ICA") in Count I against defendants PA Fund Management LLC, PEA Capital LLC, and PIMCO Advisors Distributors LLC. As to the ICA Section 36(b) claim in Count I against defendants Cadence Capital Management LLC, NFJ Investment Group L.P., Nicholas-Applegate Capital Management LLC, RCM Capital Management LLC, and Parametric Portfolio Associates (collectively the "Tolled Defendants"), the Tolled Defendants have been dismissed pursuant to the Stipulation of Voluntary Dismissal filed by the parties on February 15, 2006. The Fund Derivative Plaintiffs and Tolled Parties reserve all rights with respect to the application to the Tolled Defendants of Judge Motz's rulings in the Janus Sub-track and Allianz Dresdner Sub-track relating to ICA Section 36(b), in the event that the Fund Derivative Plaintiffs seek to proceed with an ICA Section 36(b) claim against the Tolled Defendants in the future;
3. The motion is denied as to the claim asserted under Section 48(a) of the ICA in Count V as it relates to claims under Section 36(b) against defendants Allianz Dresdner Asset Management of America L.P., Stephen J. Treadway, and Kenneth W. Corba;

4. In accordance with the Order entered December 8, 2004, all claims against Canary Capital Partners LLC, Canary Capital Partners Ltd, Canary Investment Management LLC, and Edward J. Stern are stayed;
5. The motion is granted as to the remaining federal and state claims, and those claims are dismissed without leave to amend against Defendants Allianz Dresdner Asset Management of America L.P., PA Fund Management LLC, PEA Capital LLC, Cadence Capital Management LLC, NFJ Investment Group L.P., Nicholas-Applegate Capital Management LLC, RCM Capital Management LLC, Parametric Portfolio Associates, PIMCO Advisors Distributors LLC, Stephen J. Treadway, E. Philip Cannon, Donald P. Carter, Gary A. Childress, Theodore J. Coburn, W. Bryant Stooks, Gerald M. Thorne, Kenneth W. Corba, Aurum Securities Corp., Aurum Capital Management Corp., Golden Gate Financial Group LLC, Bank of America Corp., Banc of America Securities, Bank of America, N.A., Bear Stearns & Co. Inc., Ryan Goldberg, Michael Grady, David Byck, Circle Trust Co., Davidson Companies, D.A. Davidson & Co., Davidson Trust Co., Deutsche Bank AG, Kaplan & Co. Securities, Pritchard Capital Partners LLC, Trautman Wasserman & Co. Inc., and UBS Financial Services Inc..

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J. Frederick Motz  
United States District Judge